

DFW



I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to the Commissioner for Patents, P. O. Box 1450 Alexandria, VA 22313-1450 on November 13, 2006.

By: Leonor S. Tuck
Leonor S. Tuck

Date: November 13, 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: **Douglas J. Dellinger**

Art Unit: **1639**

Serial No.: **10/785,337**

Examiner: **JEFFREY S. LUNDOREN**

Title: **"MALDI-MS ANALYSIS OF NUCLEIC ACIDS BOUND TO A SURFACE"**

Filed on: **February 23, 2004**

Attorney Docket No.: **10031505-1**

Mail Stop: **AMENDMENT**
Commissioner for Patents
P. O. Box 1450
Washington, D. C. 22313-1450

RESTRICTION REQUIREMENT

Dear Sir:

This paper is filed in response to the Election of Species mailed Oct. 12, 2006, which set a one month period for response. This response is thus timely filed. Any other fee, other than an issue fee, that is due at this time may be charged to Deposit Account 50-1078, and any overpayment of fees is requested to be refunded to the account.

In response to the species election requirement mailed Oct. 12, 2006, Applicants elect the species of claim 3 (for obtaining the polynucleotide) and the species of linker illustrated in the product of Figure 4. Claims that read on these species include at least 1-3, 7-17, 19-21, and 23-25.

The species election requirement lacked enough information of a particular nature to meet the requirements of MPEP 809.02(a), which states in part:

Action as follows should be taken:

...

(B) Clearly identify each (or in aggravated cases at least exemplary ones) of the disclosed species, to which claims are >to be< restricted. The species are preferably identified as the species of figures 1, 2, and 3 or the species of examples I, II, and III, respectively. In the absence of distinct figures or examples to identify the several species, the mechanical means, the particular material, or other distinguishing characteristic of the species should be stated for each species identified. If the species cannot be conveniently identified, the claims may be grouped in accordance with the species to which they are restricted. Provide reasons why the species are independent or distinct.

The species election requirement therefore fails to provide sufficient notice to Applicant of the particular species to which the examination would be restricted.

Nevertheless, Applicants have attempted to comply with the requirement for restriction by proposing the elections described in the present response. Applicants submit that the contents of the present response provide a bona fide response to the species restriction.

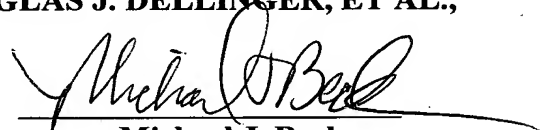
Therefore, in responding to part A of the species election requirement, Applicants elect the species of claim 3 for setting out the sequence of steps for obtaining the immobilized polynucleotide. In responding to part B of the species election requirement, Applicants elect the species of linker illustrated in the product of Figure 4.

If, in the opinion of the Examiner, a telephone conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (408) 553-3864.

Respectfully submitted,

DOUGLAS J. DELLINGER, ET AL.,

By:



Michael J. Beck
Reg. No.: 40,907

IP Administration
Agilent Technologies, Inc.
Legal Department, M/S 51UPD
P. O. Box 7599
Loveland, CO 80537-0599

Date: **November 13, 2006**

Phone No.: **(408) 553-3864**